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The Honorable Howard R. Lloyd
United States District Court for the Northern District of California
San Jose Courthouse
280 South 1st Street
San Jose, CA 95113

Re: *Silicon Valley Telecom Exchange, LLC v. Verio Inc., et al.*, Case No. C12-00899 HRL
Verio Inc.'s Response to Silicon Valley Telecom Exchange's Letter Brief in
Opposition to Defendants Verio Inc. and NTT American, Inc.'s Request for Sanctions

Dear Judge Lloyd:

We write in response to the October 22 letter brief of Silicon Valley Telecom Exchange, LLC ("SVTX") regarding the amount of sanctions to be awarded. *See* Dkt. No. 97. SVTX makes just one new substantive point: that the amount of fees documented in the Defendants' August 7 supplemental declaration is higher than the amount stated in the Defendant's original declaration. *Id.* at 3. The reason the amount is higher is that the supplemental declaration includes work that was done after the original declaration was prepared. *See* Dkt. No. 68 at 1-2. This includes drafting the reply brief for the motion and attending the hearing on the motion. As described in the supplemental declaration, the stated fees and costs removed what was disallowed by the Court and include only what was allowed by the Court. *Id.*

SVTX's remaining points are not correct. SVTX objects that the parties' settlement released SVTX and its counsel from the Court's Order on sanctions, but the Court's Order is not a claim, and the parties do not have the authority to set it aside. *See* Dkt. No. 94 at 2. SVTX also objects that the Court lacks jurisdiction to enforce its order, but the sanctions order was issued on July 30, long before the case was dismissed. SVTX appears to have abandoned its incorrect argument that the Defendants' motion for sanctions was denied.

Respectfully submitted,



Bryan Wilson

cc: All Counsel of Record via electronic-filing